

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

WP(C).No. 31813 of 2006(K)

AGAINST THE ORDER IN EP.NO.2100/05 IN
OS.2079/2003 of PRL.MUNSIFF COURT,THRISSUR
.....

PETITIONER:

M.P.SAVITHRI, AGED 50,
W/O. KADALAYIMANA NARAYANAN NAMBOODIRIPAD,
AYYANTHOLE VILLAGE, THRISSUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

THE KOTTEKKAD KURIES (P) LTD.,
KOTTEKAD DESOM, KUTTUR VILLAGE,
THRISSUR DISTRICT.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO.31813 OF 2006

Dated 4th December 2006

JUDGMENT

Petitioner is judgment debtor. Respondent is decree holder. As per Ext.P4, salary of petitioner at the rate of Rs.3000/- per month was attached. This petition is filed challenging the order of attachment contending that executing court has violated provisions of Section 60 of the Code of Civil Procedure. Ext.P3 salary certificate establish that petitioner is getting a total salary of Rs.13,561/-. Contention of petitioner was that Rs.5500/- is being deducted from his salary towards G.P.F contribution and Rs.5000/- is being deducted in view of order of attachment by Sub court and net salary received is only Rs.2951/- and hence Rs.3000/- cannot be attached.

2. On hearing learned counsel appearing for petitioner, I do not find any infirmity in Ext.P5 order. Entire contribution made by petitioner towards G.P.F is not exempted under Section 60 of the Code. Only the compulsory part of the salary which is to be

contributed to the provident fund by petitioner is excluded. If that portion of the contribution is excluded, Rs.3000/- will be available for attachment. It is clear that the salary attached is in accordance with law. Hence petition is dismissed. Petitioner is at liberty to apply before executing court for proper remedy, if any.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.